IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7536 OF 2005

Laxman Vishnu Achrekar & Ors. .. Applicants

Versus

State of Maharashtra .. Respondent

Mr.A.S.Khandeparkar i/b. Khandeparkar &
Associates for applicants
Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 12th December 2005.

P.C.

. Heard Mr.Khandeparkar for applicants and Mr.Saste, A.P.P. for respondent.

2. Mr.Khandeparkar does not press this application as far as applicant No.3 i.e. Digambar Laxman Achrekar and applicant No.4 i.e. Krishna @ Sanjay Laxman Achrekar.

3. Perused the statement which is recorded of Amit Dhanaji Achrekar dated 1st October 2005.

4. As far as applicant No.1 Laxman Achrekar and applicant No.2 Tukaram Achrekar who are aged about 68 and 60 years respectively, there is no role specifically played by them in the assault which was committed on the relevant date and at which complainant's family members and more particularly Pramod Vishnu Achrekar has suffered serious injuries. There is no opposition as far as enlarging applicant Nos. 1 and 2 on bail. Therefore, applicant Nos. 1 and 2 i.e. Laxman Vishnu Achrekar and Tukaram Vishnu Achrekar deserve to be enlarged on bail. Hence, following

order:-

i) Applicant Nos. 1 and 2 i.e. Laxman Vishnu Achrekar and Tukaram Vishnu Achrekar are released on bail in the sum of Rs.10,000/- each with one or two sureties in the like amount.

ii) Applicant Nos. 1 and 2 shall report to Sawantwadi Police Station as and when summoned.

iii) Applicants shall not directly or indirectly make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) Applicants shall cooperate with the learned Judge for expeditious disposal of trial. Any attempt by the

applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application as far as these applicants is concerned, disposed of.

5. As far as applicant Nos. 5 to 7 are concerned, Mr.Khandeparkar seeks liberty to withdraw this application. He states that upon investigations being complete and the charge sheet being filed, liberty may be granted to apply for bail before regular court. As far as these applicants i.e. Rajan Laxman Achrekar, Santosh Tukaram Achrekar and Prashant Laxman

Achrekar are concerned, it is needless to state that such a liberty need not be specifically granted and it would be open for them to apply before regular court for being enlarged on bail and such request will be considered on its own merits and in accordance with law uninfluenced by any observation made by by the trial court on 8th November 2005. Liberty is also there even to apply for bail in case of applicant Nos. 3 and 4.

(S.C.DHARMADHIKARI, J)